



State of Delaware  
Commission on Forensic Science

Minutes - 9/11/17  
10:00 a.m. – 12: 00 Noon  
Division of Forensic Science - 1<sup>st</sup> Floor Conference Room  
200 South Adams Street  
Wilmington, DE 19801

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Chair, Chief R.L. Hughes. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Senator Robert Marshall	Delaware State Senate
Major Daniel Meadows	Delaware State Troopers Association
Representative John Mitchell	Delaware House of Representatives
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Christiana Care
Secretary Kara Walker	Department of Health & Social Services

Non-voting Attendees

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

John R. Evans	DFS - Director
Johna Esposito	DFS – Quality Assurance Manager
Jill Fredel	DHSS – Communications Director
Isabella Kaplan	DTI - Customer Engagement Specialist
Christopher M. Klein	DSHS - Deputy Principal Assistant
Amrita Lal-Paterson	DFS – DNA Technical Leader
Laura Nichols	DFS – Toxicology Lab Technician
Julia Vekasy	DFS – Chief Forensic Investigator
Rebecca Walker	DFS - Chief Operating Officer

## 2. Approval of the Minutes

- Secretary Coupe made a motion to approve; Major Meadows seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of April 10, 2017 meeting.

## 3. Determination of Next Two Meeting Dates for 2017

- Chief Hughes entertained choices for the next two Commission meeting dates. He suggested that the next meeting be held at the DFS Georgetown facility in Sussex County. Chief Hughes thinks we owe it to the team members there to see their facility, meet the individuals, and provide them the opportunity to attend one of our meetings. After some discussion, it was unanimously agreed that the next Commission meeting will be held in Sussex County on 11/6/17 at 10:00 a.m. The second meeting date was determined to be 12/11/17 at 10:00 a.m. in Wilmington.

## 4. DFS Director's Report

Although the Commission did not meet in June as scheduled, Director Evans sent out his Director's report for that meeting via e-mail. Today's report covers the time period since 7/7/17 to current date. If there are any questions regarding either report, Director Evans said he will certainly do his best to answer them.

- **Staffing:**
  - Director Evans acknowledged the Secretary's office for their assistance in working with OMB to allow DFS to continue to fill our staffing needs based on the critical services exception to the hiring freeze. Obviously, without that exception or waiver to the hiring freeze, the impact on DFS operations would have been significant. There continues to be many moving parts in our staffing and also acknowledge the Department's HR Section for their continued support.
  - The Management Analyst position at the Wilmington office has been filled since July 10<sup>th</sup>. This position has been focused on working with the Medical Examiner Unit on the M.E. module of FLIMS looking for systems to help us be more effective and efficient in data mining, specifically as it relates to drug deaths.
  - Since the July 7<sup>th</sup> report, the second Forensic Evidence Specialist resigned due to a relocation, which left DFS with no one in that section to receive evidence. Director Evans thanked members of the Forensic Chemistry Unit and the DNA Unit, who were previously trained and not only continued their primary functions, but also assisted in accepting evidence during the vacancies. Both Forensic Evidence Specialist positions have since been filled. One is in the training process now and the second will start with DFS next week.

- Dr. Perlman, the Deputy Chief Medical Examiner, retired on July 21<sup>st</sup> after 23 years of dedicated service. This position has been posted since that time not only on the State website but also on the National Association of Medical Examiners' website. DFS received two applicants; however, they both withdrew from the process prior to being interviewed.
- DFS had a casual seasonal Forensic Investigator from the Wilmington office resign due to increased commitments with his primary job, DFS also had a casual seasonal investigator start with us in the Georgetown office on August 7<sup>th</sup>. This position will help in not only supplementing staffing at the Georgetown and Kent County offices but also in the Wilmington office as needed.
- A full-time investigator will join DFS Wilmington on September 18<sup>th</sup>. This fills a vacancy created by an earlier resignation back in April.
- A casual seasonal Morgue Tech resigned due to accepting a job opportunity in a different field, but DFS backfilled that position with an experienced Morgue Tech, who started September 5<sup>th</sup>.
- On August 21<sup>st</sup>, an Analytical Chemist III joined the Forensic Chemistry Unit to fill a vacancy due to retirement. This is a critical position as DFS moves toward accepting additional drug evidence in the unit. Once trained, this position will assist in completing technical and administrative reviews of casework.
- DFS currently has the additional following vacancies:
  - Casual/Seasonal Pathologist position at the Georgetown facility. This position continues to be posted on the website and will close in six months. There is nothing further to offer from the last report regarding using pathologists from the DAFB to fill the part-time position in Georgetown other than Becky continues to have dialogue with Dr. Finnelli. DFS suspects that the change in Administrations at the national level has caused a delay in forward progress but we will continue to work in that regard.
  - Casual/Seasonal Lab Maintenance Tech position at the Wilmington Office. DFS has been trying to fill this position for six months and continue to struggle with attracting qualified applicants; however, DFS did interview someone on September 7<sup>th</sup> and HR will be extending an offer. Chief Hughes asked the number of casual/seasonal positions within DFS. COO Walker responded that ~10% of our workforce is casual/seasonal. Chief Hughes thinks that is a problem and why positions remain open. He said that there is no hook for attracting someone to a C/S position unless they are already retired and have a pension and medical plan. He thinks DFS should be looking at full time employment for these positions.
  - Two Analytical Chemist I positions in the Forensic Chemistry Unit. One position due to the resignation of one of the chemists hired in December, and the second is in the process of being reclassified from a prior full-time Lab Tech position.

- **Forensic Chemistry Unit:**

- Director Evans thanked the DOJ, and specifically, Barzilai Axelrod, for the continued hard work and commitment in helping to manage and prioritize the drug testing caseload, while balancing the needs of the Court and the criminal justice community with fiscal responsibility.
- Since November 2016, the process has been to outsource drug evidence from all law enforcement in New Castle County, while DFS has tested evidence from Kent and Sussex Counties.
- Director Evans reported that effective today, DFS will begin to accept drug evidence cases from the Wilmington Police Department. This is a first and significant step in beginning the process to wean from our dependence to outsource cases to NMS, which will result in part in a cost savings to the State and in more direct and responsive communication between the DFS and the DOJ. Senator Marshall asked about how much savings would be seen and Director Evans said ~\$30,000 per month is projected. Senator Marshall then asked about security in view of all evidence coming back to DFS for testing. Director Evans assured everyone that all evidence is securely locked down and that these safeguards were put in place back in 2015.
- DFS continues to work with Secretary Coupe and OMB in an effort to secure on-going funding for outsourcing to carry us through calendar year '17 and FY '18.
- Director Evans reported that the training of the five Analytical Chemists hired at the end of May continues to progress nicely. The new chemists are doing well and are currently in the process of working on their competency cases. After they successfully complete their competency cases, they will move to verbal competency and end with moot court, after which time they can begin to accept their own casework. We continue to be on schedule to have the training process completed by mid to late October.
- The new GC instruments have arrived along with the UPS equipment. Director Evans thanked Facilities Management who have worked with us to install new circuits in order to provide the power needs of the new instruments. Now that we have sufficient power, we will begin the instrument validation process, which is expected to be completed by mid-October.
- Director Evans then offered the following timeline with respect to case management within the Forensic Chemistry Unit:
  - **September '17:** begin to accept drug evidence from the Wilmington Police Department in addition to the agencies from Kent and Sussex Counties.
  - **Late October/Early November '17:** begin to accept drug evidence from all agencies in New Castle County with the exception of the NCCPD.
  - **January '18:** begin to accept drug evidence cases from the NCCPD.

- Director Evans said, as he has before, the caveat being that there are many moving parts and variables, which could impact our ability to completely wean from our dependence on NMS within the timeline just described.
- Chief Hughes asked how many additional chemists were required to get DFS to the point of accepting all drug evidence in January 2018. Director Evans answered that before 2014, DFS full complement was 5/6; today, it is 12/13 - twice what was needed previously. Chief Hughes was pleased to hear this because he believes a significant amount of folks have worked here a long time with both hands tied behind their back.
- Again, said Director Evans, DFS appreciates the patience, flexibility and understanding of the DOJ, law enforcement and other criminal justice partners as it navigates through the process of transitioning away from outsourcing our drug evidence, but we are encouraged and optimistic in that the long-awaited process has started.
- Director Evans acknowledged the team from Forensic Chemistry, particularly Robyn Quinn and Ashley Wang, for completing the counting, testing, report writing and review of an extremely large heroin seizure case ahead of schedule and before Court established deadlines.
- **Forensic Evidence Section:**
  - In August, the Homeland Security Advisor for the DSHS assisted in an audit of the controlled substances in the evidence room. This audit is completed twice per year. There were no issues noted requiring corrective action and our thanks to Ray Holcomb, Johna Esposito and Melissa Newell, who assisted in the successful audit.
- **DNA Unit:**
  - As reported previously, the DNA Unit started reviewing profiles from backlogged sexual assault kits tested by Bode Labs as part of the Sexual Assault Kit Initiative. To date, DFS has entered ten profiles into CODIS, stemming from items that were submitted as part of the SAKI program. Seven of those have resulted in hits within the CODIS database (four of those matches involved Delaware convicted offenders, while two came from Pennsylvania and one from New Jersey). In addition, there have been approximately eight hits or matches in CODIS on cases not related to the SAKI program. In all, these are impressive results and Director Evans thanked the DNA team for their continued dedication.
  - There continues to be a significant uptick in the number of offender samples being submitted by the DOC for CODIS with 300 convicted offender samples in August alone. Director Evans reported that despite this increase, the DNA Unit is staying on top of the entries.

- A DNA team from Kentucky conducted a very detailed three-day audit of our DNA Unit, which resulted in one finding for non-compliance. The finding required an additional validation study, but does not affect testing results and has since been remediated. The auditors provided very positive feedback and commented on the completeness and organization of the processes, documents and quality manuals and were impressed by the knowledge base of our DNA Analysts.
- **Toxicology Unit:**
  - Director Evans acknowledged the team from Toxicology for successfully completing the American Board of Forensic Toxicology laboratory accreditation mid-cycle review this past July.
  - In addition, the Tox Unit continues to receive an uptick in casework and despite experiencing maintenance and functionality issues with several instruments, has continued to meet the demand. The main driver in the uptick of samples is due to increase in suspect TOX post mortem samples; the unit is not yet performing DUI opioid samples.
- **Medical Examiner Unit:**
  - Unfortunately, and in part due to the on-going heroin epidemic, the Medical Examiner Unit continues to be extremely busy with post mortem examinations, inspections and inquiries and, in spite of staffing challenges, continues to meet the mission.
  - Director Evans acknowledged Dr. Emery, who was recently published in an International Weekly Science Journal and the Penn Medicine News, featuring her earlier research during her fellowship.
- **Building Modifications:**
  - The bid has been awarded to a contractor and the manufacture of the new autopsy work stations will soon begin.
  - In speaking with the Project Manager from Facilities late last week, DFS learned he expects to receive the final review submissions for the HVAC and cooler replacement project this week; at which point, it should be approved to go out to bid. With that said, the physical on site construction activities will probably start in late November.
  - The new sprinkler and fire alarm systems installation project at the Wilmington office has been completed.
- **Partnerships:**
  - Director Evans acknowledged Becky Walker, who sits on several committees, commissions and working groups focused on:

- combating the heroin epidemic;
- updating the Mass Fatality Plan;
- Family Assistance Center;
- Child Death Review Board;
- Delaware Drug Monitoring Initiative.

Becky continues to be a conduit between the DFS and outside partners.

- In that regard, said Director Evans, DFS is working collaboratively with the Emergency Management Services and Preparedness Section of the Office of Emergency Services, the Office of Highway Safety and the Criminal Justice Council; and has been awarded grant funding opportunities to help DFS expand our capabilities in drug screening in the Toxicology and Forensic Chemistry Units and to provide training opportunities for our Forensic Investigators.
- Director Evans said that he would also like to acknowledge the DFS support team attending today: Julia Vekasy, Chief Forensic Investigator; Amrita Lal-Paterson, DNA Technical Leader; Isabella Kaplan, DTI; COO Walker and Laura Nichols, TOX Laboratory Technician. Director Evans then thanked Laura for her dedication and for going above and beyond her job requirements to assist in the absence of a dedicated lab maintenance technician.
- Ms. Anita Symonds recalled a previous discussion concerning DFS receiving an education grant and asked how it was used (i.e., for what particular type of training). Director Evans asked Julia Vekasy to report on the CJC grant funding and expenditures. Ms. Vekasy said that due to current budget restraints, DFS applied in March for supplemental funds to provide training for all personnel in the Medical Examiner Unit. Ms. Vekasy said that a tabulation was made and it was determined there was enough funding to afford one week's training for each employee in their particular field. She continued that DFS recently had two forensic investigators obtain their ABMDI certification and four more investigators are scheduled to attend this certification training. Ms. Vekasy explained that the ABMDI (American Board of Medicolegal Death Investigators) is a professional certification board that has been established to promote the highest standards of practice for medicolegal death investigators. Secretary Coupe said that the forensic staff does every death case in the state and that this expert training will help bring consistency and continuity as they interact with over 37 different law enforcement agencies throughout Delaware.
- Director Evans acknowledged that the CJC grant has afforded DFS a great opportunity and we thank the CJC, as well as Secretary Coupe, who has supported DFS by approving our training requests during this time. Director Evans noted that training is being provided across the board and not in any one particular discipline.
- Ms. Symonds asked how the pathologists are able to provide these medical services when homicides are up and DFS is down a pathologist. Director Evans responded that DFS is meeting its mission and it is a tribute to the doctors' work ethic and dedication to the job. He said the doctors, the forensic investigators, the morgue technicians - all have stepped up to the plate and continue to work extremely hard providing needed services to the citizens of Delaware. A long discussion then ensued concerning the capacity and viability of the current DFS facility.

- Secretary Coupe acknowledged the process of getting funding and moving forward can be long and, at times, frustrating, but at this point, he would like to commend Director Evans for the work that's been completed this year with the sprinkler system installation, fire alarm system upgrades, and HVAC installation/upgrade.
- In closing, said Director Evans, he hopes Commission members picked up on a common theme across all of the units within DFS – that despite intermittent staffing challenges, problems with instruments, and an increase in workload, the women and men of DFS continue to step up and meet the mission. Ms. Symonds said this information is very good to hear.

#### 5. Strategic Planning Advisory Committee

- DAG Axelrod reported that the Committee will be holding its first meeting the first week of October. He said he was given a very meaningful agenda from the previous chair and at this meeting, we will identify current committee goals and directives. DAG Axelrod said that the changes within DFS itself necessitates making modifications to those items already existing.

#### 6. Standards & Certifications Advisory Committee

- Chief Hughes stated that we are still in need of a chairperson for this committee. DAG Morris said that Dr. Watson, previous chair, had recommended Dr. Krystal Hans, from DSU, as her replacement on the Commission and as head of the SAC. DAG Morris said she spoke with the Governor's office previously and was informed the governor was first replacing open positions on boards and commission which had no quorum. She will contact Lydia Massey, Director of Boards & Commissions, for an update regarding the naming of a new member.

#### 7. Commission Members Open Discussion

- ODS Lisa Schwind questioned DFS' security with all that is going on in the world and with all the catastrophic weather and DFS depending on a back-up generator on a pad in the parking lot. Director Evans assured that we are secure and the intrusion and fire alarms are part of the back-up system. He said provisions are also in place for DFS via a state mass fatality plan, as well as a COOP Plan (Continuity of Operations Planning) should we lose the ability to function here at this facility during an emergency.
- Ms. Symonds expressed her thanks to DFS employees and wants them to know that the Commission is doing the very best it can against very high obstacles. Chief Hughes said the frustration is palpable, but we will get there. Major Meadows echoed Chief Hughes' and Secretary Coupe's acknowledgement that we all understand the tests we are facing and the fiscal reality, but despite that, there is tangible forward progress; good things have happened – increased employee training, installation of new equipment and expansion of testing capability, to name a few. Senator Marshall added that this building may not be the best, but the employees are outstanding. Chief Hughes also commented that the work being done here is not by just one person, everyone is on Team DFS – their work makes a difference.



- Representative Mitchell asked if DFS expects any other substantial costs to be incurred regarding the infrastructure. Director Evans said all anticipated costs have been shared; however, he cannot account for unplanned occurrences – but the staffing, morgue upgrade and added instrumentation to support staffing levels are all accounted for FY'18.

## Adjourn

- Hearing no other questions/concerns, Chief Hughes acknowledged the meeting was adjourned.

**Next Meeting Date:** Monday, November 6, 2017  
Mary Ann Coverdale Center @ The Stockley Center Campus – Georgetown  
10:00 am – 12:00 am